



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

Sc

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/328,890	06/09/99	TAKEUCHI	H 086142/0253

FOLEY & LARDNER
3000 K STREET N W SUITE 500
WASHINGTON DC 20007-5109

QM12/0816

EXAMINER

WORRELL JR, L

ART UNIT	PAPER NUMBER
----------	--------------

3741

DATE MAILED:

08/16/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/328,890

Applicant(s)
Takeuchi

Examiner
Danny Worrell

Group Art Unit
3741



- ☐ Responsive to communication(s) filed on _____.
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

- ☒ Claim(s) 1-16 is/are pending in the application.
- Of the above, claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1-16 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claims _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some* ☒ None of the CERTIFIED copies of the priority documents have been
- ☒ received.
- ☐ received in Application No. (Series Code/Serial Number) _____.
- ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

- ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- ☒ Notice of References Cited, PTO-892
- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 4
- ☐ Interview Summary, PTO-413
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 3741

DETAILED ACTION

1. The disclosure is objected to because of the following informalities: The term “double yarn” used throughout the specification is not an art known term. Presumably this is a two ply yarn. Also the pending applications cited in the specification should be updated with the U. S. serial numbers and/or patent numbers where applicable. Appropriate correction is required.

Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the “doubled yarn” found initially in claim 2 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Claim Objections

3. Claims 12-16 are objected to because of the following informalities: A base yarn strength of 0.8g/d lacks antecedent basis in the specification. Presumably the claims should read 8.0g/d. Appropriate correction is required.

Art Unit: 3741

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 2-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Re claim 2, the term “double yarn” is unclear as to the yarn being claimed as set forth above. Presumably this is a “two ply yarn”.

Re claim 5, In line 3, the term “additional yarns” is indefinite since only a single additional yarn has been claimed in line 2. Also the phrase “relatively thin” and “relatively thick” are indefinite since it is unclear as to what the sizes are relative to. The phrase “the breakage” is indefinite as it lacks clear antecedent basis.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 3741

7. Claims 1-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tanaka et al(5385367).

Tanaka et al(5385367) in the embodiment of figure 12 teaches the invention as claimed including a warp knitted fabric with a knitting yarn and an additional yarn(13) inserted into the knitting yarn. Although the yarns are disclosed in the figures as being the same thickness, they are not stated to be 3000 denier or below. Forest et al. teaches a that yarns of 3000 denier or below are used in air bag covers. It would have been obvious at the time the invention was made to one of ordinary skill in the art to which the invention pertains to provide the yarns of Tanaka et al(5385367) as 3000 denier or below in order to provide the characteristics associated with such sized yarns for air bag fabrics as shown by Forest et al. Concerning the "double yarn" it would have been obvious at the time the invention was made to one of ordinary skill in the art to which the invention pertains to provide the yarn of Tanaka et al(5385367) as a plied yarn since the examiner takes Official Notice that plying yarns is a well known for determining and achieving specific yarns sizes. Concerning the strength of 8.0g/d and the .08g/d, it would have been obvious at the time the invention was made to one of ordinary skill in the art to which the invention pertains to provide the specific strength characteristics in order to provide the optimal strength for a specific end use since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. *In re Aller*, 105 USPQ 233. Regarding claim 5, note the embodiment of figure 14 which contains two additional yarns which to the extent definite are "relatively thick" and

Art Unit: 3741

“relatively thin”. The preamble recitation of intended use, i.e. “as an air belt for enclosing a bag belt folded into the shape of a band and constituting an inflatable air belt” is considered non-controlling as to the metes and bounds of the claim since it has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations. *Ex parte Masham*, 2 USPQ2d 1647 (1987). Even so note that Tanaka et al(5385367) is in fact an air belt.

Conclusion

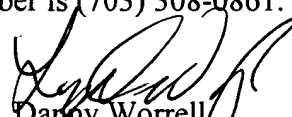
8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Note especially figures 10 and 11 of Koheguchi.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Danny Worrell whose telephone number is (703) 308-0889. Messages placed on voice mail will be returned by the end of my next business day.

The fax phone number for this Group is (703) 308-0758.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0861.

LDW
August 14, 2000


Danny Worrell
Primary Examiner
TC 3700